

## **REMARKS**

This submission is a response to the Office Action mailed January 25, 2006 (the Office Action). The Examiner's review and reconsideration of this application in light of the following remarks is courteously requested.

By the forgoing amendment, claims 61 and 70 have been amended herein. No claims are added or canceled. Consequently, claims 61 to 78 remain pending for the Examiner's consideration.

In the Office Action, the Examiner rejected claims 61-78 as anticipated under 35 U.S.C. § 102(b) by Kurlander et al. For at least the following reasons, this rejection is respectfully traversed.

### **Introduction**

By way of introduction, at the highest level, both the claimed invention and the Kurlander et al. reference relate to examining bits of text, and using those bits of text to create visual (and other) representations. However, the similarities between the claimed invention and the cited reference end here. According to one embodiment of the present invention, in the context of a standard, text-based inter-client chat, certain words, phrases or punctuation are actually replaced within the text sentences by images, sounds, executable code, etc. to provide a more engaging chat experience than pure text. Contrastingly, according to Kurlander et al., a specialized inter-client chat environment is created, rendering the chat as a comic strip, with certain words,

phrases or punctuation causing (but not replaced by) variations in the presentation of the comic characters (i.e., hand gestures and facial expressions).

In addition, according to the claims of the present application the multimedia objects replacing the text may be grouped into an "ensemble," the elements of the ensemble having certain common properties (Claim 61, lines 7-8, claim 70, lines 9-10). In contrast, the teachings of Kurlander et al. lacks any teaching or suggestion of the representations being so grouped. Thus, the presently claimed invention provides the novel benefit of selectability of sets of related objects for text replacement, while Kurlander et al. does not.

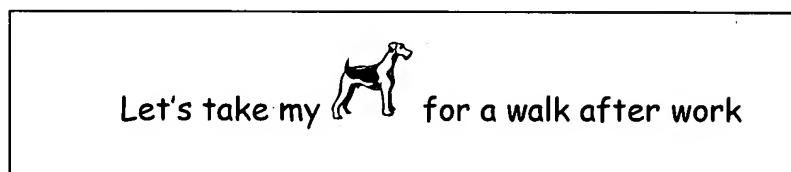
#### **Independent claims 61 and 70**

We begin this discussion by focusing on independent claims 61 and 70. We offer two arguments as to why Kurlander et al. fails to anticipate the present invention. First, Kurlander et al. fails to teach or suggest that when certain text is detected in a set of sequences, said text is replaced by a multimedia object in said set of sequences. Second, Kurlander et al. fails to teach or suggest that the multimedia object replacing the text is an element of an ensemble having a set of ensemble properties. These arguments are presented in order.

## Replacement in Sequence

The context for the present invention is a text-based communication system. Examples include email, chat, IM, etc. In order to lend more visual interest, creativity, personality, etc. to what would otherwise be a purely text-based message, it is known to insert abbreviates and representations into such communications, often in place of the text they represent. A common example is a user typing “brb” in a streaming chat session to replace “be right back.” Another common example is the use of punctuation to create representations of expressions, such as a smile :), frown :(, and wink ;), in place of typing expressions such as “that makes me happy” or “get it?”

The present invention teaches that a sequence or set of sequences of text can be examined for certain words, phrases, and punctuation, and when identified, can be automatically replaced by multimedia objects. For example, in the sentence “Let’s take my dog for a walk after work,” the word dog can automatically be identified, removed, and replaced with an image of a dog (perhaps even the user’s own dog), to obtain something like:



Importantly, what's happening in this example is that a portion of the text (a “mnemonic name” in the words of claim 61 and 70) is identified as having a multimedia object associated therewith, and that portion of text is removed and replaced with the associated multimedia object, leaving the remaining text as is. Only the word dog is

replaced, and that replacement puts the image of the dog in the same positional location in the remaining text originally occupied by the word dog. That is, in the language of the claims, "when said mnemonic name is detected in said set of sequences, replacing said mnemonic name with said multimedia object in said set of sequences". (Amended claim 61, lines 6-7, emphasis added. See also, claim 70, lines 6-8.)

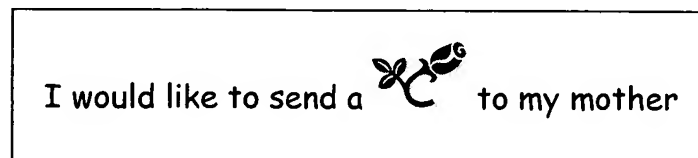
Kurlander et al., however, process things very differently. In the reference, text is converted into a comic strip, with portions of the text appearing in conversation or thought bubbles over images or avatars representing the communicants. Importantly, portions of text recognized by the system taught by Kurlander are not removed and replaced by a multimedia object, but rather: (1) are converted into expressions or actions of the images or avatars, such as a quizzical look for a sentence ending in a question mark, and (2) the original text or punctuation remains in the presented text. For example, in each of panes (a)-(c) of figure 6 of Kurlander et al. the text "I'm" causes the avatars to point to themselves, yet the recognized text causing the action remains in the presented speech balloons. In all examples presented by Kurlander et al., the complete text of the chat appears in word balloons rendered to be associated with the text. It appears to applicant that Kurlander et al. is completely silent about removing any text and replacing it with a multimedia object.

## Elements of an Ensemble

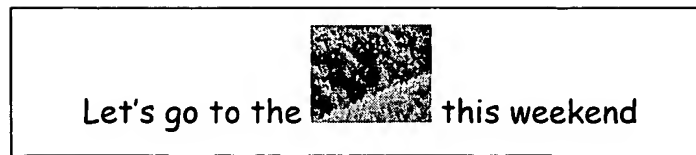
As used in the claims of this application, the word ensemble refers to a collection of multimedia objects (the representations of text) which, as a group, have certain common properties. (Spec. as filed, page 13, line 19 to page 16, line 15.) That is, an ensemble is a collection of objects which have some attribute that at least conceptually links them together. For example, one such property is a "theme," which is an implicit, recurrent idea illustrated by each of the variety of multimedia objects used to replace text forming the ensemble. Let us assume in the sentence "I would like to send a flower to my mother" that the word "flower" is to be replaced by a multimedia object according to the present invention. In the case of a "Western" theme, the word "flower" may be replaced by a characterization representing a cactus, and the sentence appears as:



In the case of a "romance" theme, the word "flower" may be replaced by a characterization representing a rose, and the sentence appears as:



Likewise, in the sentence "Let's go to the mountains this weekend," for a "summer" theme the word "mountains" might be replaced by an image of a green mountain, as in:



And for a "winter" theme, it may be replaced by a snow-capped peak, as in:



The ability to group objects by their properties into ensembles, and edit attributes of the objects on an ensemble-wide basis allows a user to easily and automatically supplement text messages with desired attributes, including audio and video elements, interactivity, accommodation for sending/receiving device size and capability, etc.

As indicated in the Office Action, Kurlander et al. discloses that the background scene for the comic chat can be adjusted. However, contrary to the assertion in the Office Action, this is not an "ensemble," as the term is used in the present application, as it is not a collection of multimedia objects having one or more common attributes, nor is it a "theme," as the term is used in the present application, since it is not an attribute shared by multimedia objects. Rather the background, and its variations, is a discrete object in and of itself. Similarly, elements added to the background are themselves objects, not themes, and there is no mentioned of the objects being associated based on identified ensemble properties. (See ref. Page 232, 4<sup>th</sup> full paragraph.) Thus, in the

language of the claims, there is no "multimedia objects ... associated with an ensemble." (Claim 61, lines 9-10, as amended.)

Furthermore, the Office Action asserts that "Comic Chat has a set of heads that can fit on a set of bodies; hence their expressions can be independent of their gestures (associating an ensemble with said multimedia object)." (Office Action, page 4, lines 1-3.) Respectfully, applicant asserts that this is not how the Kurlander et al. reference operates. Rather, a user picks (or is assigned) an image or avatar. The avatar is capable of indicating expressions, hand gestures, and motion based on cues obtained from the chat text. Each avatar has its own, unique method of expression. For example, the avatar illustrated on page 227 of Kurlander et al. is capable of indicating anger by the combination of the shape of its mouth and its eyes. However, the avatar illustrated on page 228 having a paper sack over its head cannot use mouth shape to indicate anger, since no mouth can be shown. Thus, the various avatars (multimedia objects) cannot share the set of attributes, and Kurlander et al. cannot teach or suggest that the set of avatars (again, multimedia objects) are associated with an ensemble, as claimed.

It is well established that "[a] claim is anticipated [under 35 U.S.C. § 102(b)] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Kurlander et al. fails to teach or suggest at least:

- replacing mnemonic text with multimedia objects (claim 61, lines 6-7, as amended);
- a detector capable of replacing a mnemonic name with a corresponding multimedia object (claim 70, lines 6-8, as amended);
- the set of multimedia objects being associated with an ensemble (claim 61, lines 9-10, as amended); and
- an associating mechanism capable of associating an ensemble with a set of said multimedia objects (claim 70, lines 9-10, as amended).

For this reason, according to well accepted case law, claims 61 and 70 are clearly allowable over the teachings of the Kurlander et al. reference.

### **Balance of the claims**

Claims 61 – 69 depend directly or indirectly from and contain all of the limitations found in claim 61, and claims 71 – 78 depend directly or indirectly from and contain all of the limitations found in claim 70. Accordingly, those claims are patentably distinct for at least the reasons offered above with regard to claims 16 and 70. Applicant offers this argument in favor of the patentability of claims 62 – 69 and 71 – 78 for the sake of brevity, and in no way states, implies, or agrees that these are the only grounds upon which those claims differ from the Kurlander et al. reference.



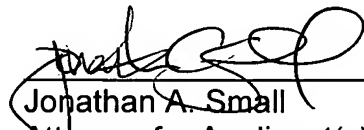
**Conclusion**

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration and issuance of a formal Notice of Allowance for this application in light of the amendments and remarks provided above is respectfully requested.

By action taken here, Applicant in no way intends to or causes any surrender of any subject matter or range of equivalents beyond that strictly required to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves without dedication all such subject matter and equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,

  
Jonathan A. Small  
Attorney for Applicant(s)  
Registration No. 32,631

343 Second St., Suite F  
Los Altos, California

Date: April 24, 2006

Telephone: 650-941-4470